



SARATOGA COUNTY BOARD OF SUPERVISORS

RESOLUTION 168 - 2017

Introduced by Supervisors Lent, Allen, DeLucia, Lawler, Pemrick, Szczepaniak and Tollisen

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 3, PRINT NO. 1 OF 2017, ENTITLED “A LOCAL LAW REPEALING THE WIRELESS COMMUNICATIONS SURCHARGE AUTHORIZED BY ARTICLE SIX OF THE COUNTY LAW OF THE STATE OF NEW YORK; AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-g”

WHEREAS, Resolution 152-2017 introduced and presented a proposed Local Law identified as Introductory No. 3, Print No. 1 of 2017, to this Board of Supervisors and scheduled a public hearing thereon for July 12, 2017 at 4:25 p.m. in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

WHEREAS, notice of that public hearing was duly published and posted as required by law; and

WHEREAS, the scheduled public hearing was held and all persons appearing or desiring to be heard have been heard by this Board; now, therefore, be it

RESOLVED, that this Board of Supervisors, on this 18th day of July, 2017 hereby adopts a Local Law identified as Introductory No. 3, Print No. 1 of 2017, as set forth in the annexed Schedule A, which once filed with the New York Secretary of State shall be known as Local Law No. 4 of 2017.

BUDGET IMPACT STATEMENT: No budget impact.

SCHEDULE A

INTRODUCTORY NO. 3

PRINT NO.1 OF 2017

INTRODUCED BY: Supervisors Lent, Allen, DeLucia, Lawler, Pemrick, Szczepaniak,
and Tollisen

COUNTY OF SARATOGA
LOCAL LAW NO. 4 of 2017

A LOCAL LAW OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SARATOGA REPEALING THE
WIRELESS COMMUNICATIONS SURCHARGE
AUTHORIZED BY ARTICLE SIX OF THE COUNTY
LAW OF THE STATE OF NEW YORK; AND
IMPOSING THE WIRELESS COMMUNICATIONS
SURCHARGES PURSUANT TO THE AUTHORITY OF
TAX LAW §186-g.

BE IT ENACTED by the Board of Supervisors of the County of Saratoga as follows:

SECTION 1. A LOCAL LAW imposing a wireless 911 surcharge on wireless communications service in Saratoga County, Local Law 4-2007, is hereby REPEALED.

SECTION 2. Imposition of wireless communications surcharges. (a) Pursuant to the authority of Tax Law § 186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Saratoga on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this Local Law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

SECTION 3. Administration of surcharges. The surcharges imposed by this Local Law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law § 186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

SECTION 4. Applicability of State law to surcharges imposed by this Local Law. All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

SECTION 5. Net collections received by this County from the surcharges imposed by this Local Law shall be expended only upon authorization of the Board of Supervisors of the County of Saratoga and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such County, as provided in paragraph (9) of Tax Law § 186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6. Effective date. This Local Law shall take effect December 1, 2017.